

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

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1836.

SIXTEENTH LEGISLATURE.

No. 6.

HOUSE.

To the Senate and House of Representatives:

I have received from the Governor of South Carolina, a Report and Resolutions, adopted by the Legislature of that State, in relation to the institution of domestic slavery and the proceedings of the abolitionists in the non-slaveholding States, which, in compliance with his request, I lay before the two branches of the Legislature for their consideration.

ROBERT P. DUNLAP.

COUNCIL CHAMBER, }
January 16, 1836. }

REPORT

Of the Joint Committee of Federal Relations on so much of the Governor's Message as relates to the Institution of Domestic Slavery, and the Incendiary proceedings of the Abolitionists in the Non-Slaveholding States.

MR. HAMILTON of the Senate, from the Committee of Federal Relations, submitted the following Report.

The Joint Committee of Federal Relations, to whom was referred so much of His Excellency, the Governor's Message, as relates to the Institution of Domestic Slavery, and the Incendiary proceedings of the Abolitionists in the Non-Slaveholding States, beg leave to Report:—

That they have given to this subject the deep and anxious consideration which both from its intrinsic importance, and from the profound and patriotic reflections of the Executive, it so obviously demands.

They desire to respond in terms of the most emphatic concurrence and approbation to the view, which his Excellency is pleased to present of the mild and patriarchal character of the Institution of Domestic Slavery in the Southern States, its influence on national character and civil liberty, and the

nature of those obligations, resulting from our constitutional compact, and the principles of international law, upon which our tenure to this species of property so inviolably rests.

The present condition of the slave question in the States of this confederacy, presents one of the most extraordinary spectacles which, your committee will venture to assert, has ever challenged the notice of the civilized world. We see sovereign States, united by a common league, in about one half of which States, the institution of Slavery not only exists, but its legal existence is solemnly recognized and guaranteed by their compact of union. Yet in the face of this compact, and the clear and distinct admission, that the non-slaveholding States have not the slightest right, either constitutionally or otherwise, to interfere with this institution, the most incendiary associations are tolerated or permitted to exist within their limits, the object and ends of which not only strike at the prosperity and happiness of eleven States in the confederacy, but at their very social existence.

Painful as it may be, it is impossible to disguise the fact, that this is a condition of things which cannot, in the long run, be permitted to exist. Every wise instinct of self-preservation forbids it. Let it be admitted, that the three millions of free white inhabitants in the slaveholding States are amply competent to hold in secure and pacific sub-

jection the two millions of slaves, which, by the inscrutable dispensations of Providence, have been placed under our dominion. Let it be admitted, that, by reason of an efficient police and judicious internal legislation, we may render abortive the designs of the fanatic and incendiary within our own limits, and that the torrent of pamphlets and tracts which the Abolition presses of the North are pouring forth with an inexhaustible copiousness, is arrested the moment it reaches our frontier. Are we to wait until our enemies have built up, by the grossest misrepresentations and falsehoods, a body of public opinion against us, which it would be almost impossible to resist, without separating ourselves from the social system of the rest of the civilized world? Or are we to sit down content, because from our own vigilance and courage the torch of the incendiary and the dagger of the midnight assassin may never be applied? This is impossible. No people can live in a state of perpetual excitement and apprehension, although real danger may be long deferred. Such a condition of the public mind is destructive of all social happiness, and consequently must prove essentially injurious to the prosperity of a community that has the weakness to suffer under a perpetual panic. This would be true, if the causes of this excitement proceeded from the external hostility of a foreign nation. But how infinitely interesting and momentous the con-

sideration becomes, when they flow from the acts and doings of citizens of States, with whom we are not only in amity, but to whom we are bound by the strongest bonds of a common union, which was framed to promote the happiness, peace, security, and protection of all.

We have, therefore, a claim on the Governments of the non-slaveholding States, not only moral and social, but of indispensable constitutional obligation, that **THIS NUISANCE SHALL BE ABATED**. They not only owe it to us, but they owe it to themselves, to that Union, at whose shrine they have so often offered up the highest pledges, by which man can plight his temporal faith.

Your Committee would be inclined to recommend to this Legislature to make an explicit demand on the non-slaveholding States, for the passage of penal laws by their Legislatures, providing for the punishment of the incendiaries within their limits, who are engaged in an atrocious conspiracy against our right of property and life. But a cordial confidence, a fraternal feeling, and the comity which belongs to our social and political relations, forbid us for one moment to doubt, that every effort will be made by the States to whom this appeal is referable; to meet, not only our just expectations on this subject, but every emergency which belongs to this crisis of public peril. Indeed when we remember the strong demonstrations of public opinion, which were pre-

sented at various gratifying public meetings, which were held during the last summer throughout the non-slaveholding States, denouncing as anti-social and unconstitutional the proceedings of the fanatics and incendiaries; when we remember, too, the avowal, universally made, by the public press, in those States, that a vast and overwhelming majority of their people, viewed such proceedings with horror and detestation, we cannot but believe that every rational expectation, which the slaveholding States can cherish on this vital question, will be cheerfully met and responded to by those on whom we have such inviolable claims.

We concur entirely in the view which our own Executive takes of the grounds, on which our right to demand the enactment of such conservative legislation rests.

Apart from all these obligations, resulting from the constitutional compact, which unites these States, and which make it the imperative duty of one member of this confederacy, not to allow its citizens to plot against the peace, property and happiness of another member, there is no principle of international law better established, than that even among foreign nations, such atrocious abuses are not to be tolerated, except at the peril of that high and ultimate penalty, by which a brave and free people vindicate their rights.

Your committee are aware, that it has been said

that no legislation can be adapted to arrest the proceedings of the Abolitionists by the non-slave holding States, without violating the great principle of the liberty of the press. We consider that this objection rests on no just foundation. There is certainly some difference between the freedom of discussion, and the liberty to deluge a friendly and co-terminous State with seditious and incendiary Tracts, Pamphlets and Pictorial representations, calculated to excite a portion of its population to revolt, rapine and bloodshed. We would fain believe, that the Northern liberty of the Press, would never be construed into a liberty, to lay the South in ashes. Under a law honestly passed to meet this crime against society, and treason against the Union, the whole circumstances of the case, and the *quo animo* of the offender might be left to a jury to determine like any other criminal issue, and if we are to believe in the condition of public opinion, as recently exhibited in most of the non-slaveholding States, we are far from thinking that such legislation would be a mere dead letter.

South Carolina will not anticipate the crisis, which must be presented by a refusal on the part of the non-slave holding States, to accord to us the protection of such legislation, or such other means, as they may select for the suppression of the evils of which we complain, for she will not doubt the good faith and amity of her sister States. She de-

sires to live in peace and harmony in this Union. In the assertion of her rights and in preferring her claims to be secure in the enjoyment of her property, under the compact, she desires to act in entire concert with those States whose interests are identical with her own. She is, however, prepared to do her duty to herself and posterity, under all and every possible conjuncture of circumstances.

In conclusion, your committee, desirous of making a matter of record, both of our rights, and the assertion of the just expectation that they will be respected by those, who are united with us in the bonds of a common union, beg leave to offer the following Resolutions, for the adoption of both branches of the Legislature.

1. **RESOLVED**, That the formation of Abolition Societies and the Acts and doings of certain Fanatics, calling themselves Abolitionists, in the non-slave holding States of this confederacy, are in direct violation of the obligations of the compact of union, dissocial, and incendiary in the extreme.

2. **RESOLVED**, That no State having a just regard for her own peace and security can acquiesce in a state of things by which such conspiracies are engendered within the limits of a friendly State, united to her by the bonds of a common league of political Association, without either surrendering or compromising her most essential rights.

3. **RESOLVED**, That the Legislature of South Carolina, having every confidence in the justice and friendship of the non-slave holding States, announces to her co-states her confident expectation, and she earnestly requests that the governments of these States will promptly and effectually suppress all those associations within their respective limits, purporting to be Abolition Societies, and that they

will make it highly penal to print, publish and distribute newspapers, pamphlets, tracts and pictorial representations calculated and having an obvious tendency to excite the slaves of the Southern States to insurrection and revolt.

4. **RESOLVED**, That, regarding the Domestic Slavery of the Southern States as a subject exclusively within the control of each of the said States, we shall consider every interference, by any other State or the General Government, as a direct and unlawful interference, to be resisted at once, and under every possible circumstance.

5. **RESOLVED**, In order that a salutary negative may be put on the mischievous, and unfounded assumption of some of the Abolitionists—the non-slave holding States are requested to disclaim by legislative declaration, all right, either on the part of themselves or the government of the United States, to interfere in any manner with domestic slavery, either in the States, or in the territories where it exists.

6. **RESOLVED**, That we should consider the abolition of slavery in the District of Columbia, as a violation of the rights of the citizens of that District, derived from the implied conditions on which that Territory was ceded to the General Government, and as an usurpation to be at once resisted as nothing more than the commencement of a scheme of much more extensive and flagrant injustice.

7. **RESOLVED**, That the Legislature of South Carolina, regards with decided approbation, the measures of security adopted by the Post Office Department of the United States in relation to the transmission of Incendiary Tracts. But if this highly essential and protective policy, be counteracted by Congress, and the United States Mail becomes a vehicle for the transmission of the mischievous documents, with which it was recently freighted, we, in this contingency, expect that the Chief Magistrate of our State, will forthwith call the Legislature together, that timely measures may be taken to prevent its traversing our Territory.

8. **RESOLVED**, That the Governor be requested to transmit a copy of this Report and Resolutions to the Execu-

tives of the several States, that they may be laid before their respective Legislatures.

IN THE SENATE, 16th Dec. 1835.

RESOLVED, That the Senate do agree, unanimously, to the Report and Resolutions. *Ordered*, they be sent to the House of Representatives for concurrence.

By order of the Senate,

JACOB WARLEY, C. S.

IN THE HOUSE OF REPRESENTATIVES, 16th Dec. 1835.

RESOLVED, That the House do concur unanimously in the Report and Resolutions. *Ordered*, they be returned to the Senate.

By order of the House,

JAS. S. MILES, C. H. R.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
January 18, 1836. }**

Ordered, that 500 copies of the foregoing Message and Document be printed for the use of the Legislature.

[Extract from the Journal.]

JAMES L. CHILD, Clerk.